IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22364 of 2004

Between:

Cherukuri Nagabhushanam S/o.late Gangaiah
Rayannapeta (V), Kalakota Post,
Bonakal (M), Khammam Dist.

... PETITIONER

AND

1 The Deputy Secretary, Freedom Fighters Division Ministry of Home Affairs
Lok Nayak Bhavan I Floor,Khan Market,
New delhi-110003.
2 The Under Secretary, Freedom Fighters Division

Under Secretary Ministry of Home

Affairs Lok nayak Bhavan I Floor,Khan Market,
New delhi-110003.
3 The Principal Secretary, Revenue (FF) Dept Govt of A.P, The Prl Secretary
Secretariat, Hyderabad.
4 The Dist Collector
Khammam Dist.
5 The District Revenue Officer
Khammam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a direction or directions or an order or orders particularly in the nature of Writ of Mandamus directing the respondents to consider my representation dt 19-10-2004 for grant of Freedom Fighters Pension on pair with similarly situated persons by setting aside the impugned proc.F.No.112/3296/93/FF (HC) of the second respondent by holding that the

action of the respondents in not considering my case for grant of Samman Pension is illegal, arbitrary and discriminating being violation of Arts.14&21 of the Constitution of India.

Counsel for the Petitioner: Mr. K. CHINNA BABA

Counsel for the Respondents 1 and 2: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed to declare the action of the respondents in not considering the representation of the petitioner dated 19-10-2004, for grant of freedom fighters pension, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

3. Petitioner claims to be a freedom fighter, hailing from Khammam District. He claims to have participated in the freedom struggle, and was issued a certificate by the Camp-in-charge. The petitioner states that he made an application dated 13-11-1985 to the respondents, but the same has been rejected on 29-06-1994 vide file No.112/3296/1993/FF (HC) on the ground that the application of the petitioner has been received by them after 25-10-1985, the date prescribed as last date for receipt of applications. It is further submitted that the case of the petitioner was referred to the State Government for enquiry and submission of verification and entitlement report, and the fifth respondent issued an enquiry notice to the petitioner on 07-12-2001 directing him to attend the enquiry on 13-12-2001. Accordingly, petitioner attended the enquiry and the District Collector endorsed that petitioner and some others are not genuine freedom fighters. While so, the petitioner is said to have again submitted a representation to the respondents on 19-10-2004

by Registered Post with Acknowledgment Due, but no action has yet been taken on the said representation.

4. The representation dated 19-10-2004, sent by the petitioner, was received by the respondents only on 14-11-2004. It is too premature to presume that respondents will not consider the representation said to have been submitted by the petitioner. However, having regard to the fact that the petitioner claims to be a freedom fighter, and is making claim for freedom fighters pension, it is appropriate that the same should be considered expeditiously.

5. The writ petition is therefore disposed of directing the respondents to consider the representation of the petitioner
dated 19-10-2004, and pass appropriate orders.

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N. V. RAMANA, J

December 6, 2004

MRR/KSR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The Deputy Secretary, Freedom Fighters Division Ministry of Home Affairs
Lok Nayak Bhavan I Floor,Khan Market,
New delhi-110003.
2 The Under Secretary, Freedom Fighters Division

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